

submitted Defendant's reply brief on 14 September 2017 (dkt. #24). Briefing on the motion is thus complete.

3. During a Rule 16 conference on 14 September 2017, Judge ACOSTA ordered Defendant to provide certain discovery responses that Plaintiff represented were necessary to properly respond to the pending motion. Defendant was also to provide expedited answers to interrogatories propounded by Plaintiff.
4. **This Declaration relates further efforts and actions Defendant has taken to comply with the foregoing order.**
5. On 25 September 2017, I received fourteen (14) interrogatories by email from Plaintiff's counsel, Mr. CROWELL.
6. I contacted Mr. CROWELL to express concern over the excessive breadth of interrogatories 2, 8, 11, 12 and 14; and the overall excessive number of independent parts and subparts, but Mr. CROWELL declined to withdraw or modify any questions.
7. In order to advance the spirit as well as comply with the letter of the Court's order, I worked with Defendant BEKAHI and computer forensic investigator FAULK to prepare responses to Plaintiff's interrogatories. These are attached as an exhibit to this Declaration. FAULK's declaration provides supplemental information that is responsive to one interrogatory, which could not be answered without expert investigation.
8. I believe that Plaintiff has had a full and fair opportunity to attempt to substantiate its claims against Defendant. Further, Defendant would not oppose Plaintiff's motion to file a supplemental statement of facts for consideration in the pending Motion for Summary Judgment, *provided that* any such facts were unavailable to Plaintiff but for Defendant's responses to the Court-ordered discovery of 14 September 2017.
9. **I declare under penalty of perjury under the laws of the United States of America that the**

foregoing is true and correct to the best of my knowledge, and I understand that it is made for use as evidence in court.

Further this declarant sayeth naught.

5 October 2017

Date

David H. MADDEN